

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHER DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ALVIN FIELDS,	)	
	)	
Plaintiff,	)	
vs.	)	CASE NO. 1:07-cv-6894
	)	
LYON WORKSPACE,	)	Judge Lefkow
	)	
Defendant.	)	

**ANSWER TO SUPPLEMENTAL COMPLAINT**

COME NOW Defendants, Lyon Workspace Products, LLC, Lyon Workspace Products, LLC Hourly Retirees Health Plan, and L&D Group, Inc. (hereinafter “Defendants”), by counsel, and respond to Plaintiff’s Supplemental Complaint as follows:

**FACTS**

1. Plaintiffs incorporate by reference herein the facts set forth in their original Class Action Complaint, which was filed on December 6, 2007. Compl. ¶¶ 1-41.

**ANSWER: Defendants reallege and incorporate their responses to paragraphs 1-41 in original Class Action Complaint in response to paragraph 1.**

2. On January 25, 2008, Defendants filed a Counterclaim against Plaintiffs Fields, Campbell, and Pryor in their individual capacities. Defendants’ Counterclaim seeks to recover from those three plaintiffs expenses in the amount of \$600,000 that were allegedly incurred by the Lyon Plan – an employee benefit plan within the meaning of ERISA – between 2001 and 2005, but that were beyond the Lyon Plan’s capped liability and were not paid by Plan participants. Counterclaim ¶ 6. The Counterclaim asserts that Plaintiffs Fields, Campbell, and Pryor “breached the terms of the Plan by failing to pay

the amounts owed over the cap,” Counterclaim ¶ 7, and that Defendants are entitled to “equitable relief and restitution pursuant to ERISA 29 U.S.C. § 1132(a)(3),” Counterclaim ¶ 11.

**ANSWER: Defendants admit that Lyon Workspace Products, LLC, Lyon Workspace Products and LLC Hourly Retirees Health Plan filed a Counterclaim against Plaintiffs Fields, Campbell and Pryor which is set forth in writing and speaks for itself and provides the best evidence of its contents. Defendants deny the remaining allegations contained in paragraph 2.**

3. Defendants’ Counterclaim has no basis in law and was filed only for the purpose of retaliating against Plaintiffs Fields, Campbell, and Pryor for attempting to vindicate and protect their rights under the terms of the Lyon Plan and Title I of ERISA and to discourage putative class members from actively participating in this lawsuit.

**ANSWER: Defendants deny the allegations contained in paragraph 3.**

**CAUSE OF ACTION  
(Against All Defendants by Plaintiffs  
Fields, Campbell, and Pryor Individually)**

4. Paragraphs 1-3 are incorporated by reference as though fully set forth herein.

**ANSWER: Defendants reallege and incorporate their responses to paragraphs 1-3 in response to paragraph 4.**

5. Plaintiffs Fields, Campbell, and Pryor are beneficiaries of an employee benefit plan within the meaning of ERISA, and they bring the claim set forth in this Supplemental Complaint to enforce their rights under ERISA Section 510, 29 U.S.C. § 1140.

**ANSWER: Paragraph 5 calls for a legal conclusion to which no response is required. Defendants, therefore, deny the allegations contained in paragraph 5.**

6. Defendants' Counterclaim was asserted only because Plaintiffs Fields, Campbell, and Pryor, through this lawsuit, are seeking to enforce their rights and those of persons similarly situated under the Lyon Plan and under Title I of ERISA.

**ANSWER: Defendants deny the allegations contained in paragraph 6.**

7. The assertion of that claim constitutes adverse action against Plaintiffs Fields, Campbell, and Pryor that Defendants would not have taken had Plaintiffs Fields, Campbell, and Pryor not been seeking to enforce their rights under the Lyon Plan and under Title I of ERISA.

**ANSWER: Defendants deny the allegations contained in paragraph 7.**

8. Treating Plaintiffs Fields, Campbell, and Pryor differently from other Plan participants (or former Plan participants) and differently from the way Defendants would have treated them absent their involvement in this lawsuit constitutes "discriminat[ion] against" Plaintiffs Fields, Campbell, and Pryor within the meaning of section 510 of ERISA, 29 U.S.C. § 1140.

**ANSWER: Defendants deny the allegations contained in paragraph 8.**

9. Defendants have therefore violated the anti-retaliation provisions of Section 510 of ERISA, 29 U.S.C. § 1140, by discriminating against Plaintiffs Fields, Campbell, and Pryor for seeking to enforce their rights and those of other persons similarly situated under the Lyon Plan and under Title I of ERISA.

**ANSWER: Defendants deny the allegations contained in paragraph 9.**

10. Such actions by Defendants also have the purpose of interfering with the efforts of participants and beneficiaries to exercise the rights to which they are entitled under the Lyon Plan and under Title I of ERISA and to discourage other class members from actively participating in this lawsuit, by making it more difficult and more expensive for them to enforce their rights.

**ANSWER: Defendants deny the allegations contained in paragraph 10.**

**PRAYER FOR RELIEF**

**Defendants pray that Plaintiffs take nothing by their Supplemental Complaint, for the costs of this action, for attorney's fees, and for all other just and proper relief.**

Respectfully submitted,

**Ogletree, Deakins, Nash, Smoak &  
Stewart, P.C.**

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**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on May 5, 2008, the foregoing **ANSWER TO SUPPLEMENTAL COMPLAINT** was filed electronically. Notice of this filing will be sent electronically to:

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